

The Gazette of India



EXTRAORDINARY

PART II—Section 2

PUBLISHED BY AUTHORITY

No. 7]

NEW DELHI, FRIDAY, MARCH 9, 1956

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 9th March, 1956:—

Bill No. XI of 1955

A Bill further to amend the Motor Vehicles Act, 1939.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. (i) This Act may be called the Motor Vehicles (Amendment) Act, 1956. Short title and commencement.

(ii) It shall come into force at once.

IV of 1939. 2. For section 65 of the Motor Vehicles Act, 1939, the following shall be substituted, namely:— Substitution of new section for section 65.

“65. (1) No adult worker shall be required or allowed to work in any transport vehicle: Hours of work and limitations of employment.

(a) for more than four hours before he had an interval and rest of at least half-an-hour;

(b) for more than seven hours in one day;

(c) for more than forty hours a week.

Weekly
holidays.

(2) The Central Government may by rules made in this behalf—

(a) provide for a day of rest in every period of seven days which shall be allowed to all workers;

(b) provide for payment of work done on a day of rest at double the ordinary rate of wages.

Compensa-
tory day of
rest.

(3) When any person employed in a motor transport is deprived of any weekly day of rest, he shall be allowed within one month in which such days of rest were due to him or within two months immediately following that month, compensatory days of rest equal in number to the days of rest of which he has been deprived of.

Overtime
and overtime
wages.

(4) (a) Hours of work in excess of seven hours a day or forty-two hours a week should be counted as overtime.

(b) Subject to the yearly limit of one hundred and twenty hours, the amount of overtime in any one month shall not exceed forty hours.

Spread over.

(5) The period of work of any worker shall be so arranged that inclusive of his interval of rest, it shall not spread over more than nine-and-a-half hours a day.

Night work
and wages
for night
work.

(6) (a) The normal working time for night work shall be six-and-a-half hours inclusive of an interval of rest in between.

(b) Night work shall be deemed to begin at 7 P.M.

(c) All night work shall be paid at twice the ordinary rate of wages.

Medical
facilities.

(7) In every transport service, there shall be provided and maintained so as to be readily available such medical facilities for the workers as may be prescribed by the Central Government.

(8) Where the number of motor transport workers in any service is one hundred and fifty or more, the medical facilities provided under sub-section (7) shall include a regular dispensary and a medical officer attached to it permanently.

Canteens.

(9) (a) The Central Government may make rules requiring that in every transport service wherein one hundred workers are ordinarily employed, one or more canteens shall be provided and maintained by the employer for the use of the workers.

(b) Such rules may provide for:

(i) the date by which the canteen shall be provided;

(ii) the number of canteens that shall be provided and the standards in respect of construction, accommodation, furniture and other equipment of the canteens;

(iii) the constitution of the managing committee and the representation of the workers in the committee.

(10) The employer shall provide and maintain rest houses for his employees at all places where the transport vehicles halt either for night or for lunch or for any period of rest exceeding three hours at one stretch. Rest houses

(11) The Central Government may make rules requiring employers to provide reading rooms and recreational facilities for the benefit of the workers. Reading rooms etc.

(12) The Central Government may make rules requiring that every employer of a bus transport shall provide the transport workers with uniforms, head and foot-wear and other like amenities. Other facilities.

(13) (a) Every person employed in a motor transport who has completed a period of continuous service therein shall be allowed during the subsequent period of twelve months, leave with full pay or wages at the rate of fifteen days' casual leave, thirty days' privilege leave and twelve days' festival holidays including national holidays. Leave with wages.

(b) The twelve months' continuous service shall be deemed to have been completed if the worker has during the said period of twelve months put in not less than one hundred and eighty days' attendance.

(c) The period of leave shall be inclusive of the weekly days of rest.

(14) If any person entitled to leave under sub-section (13) is discharged before he has taken or has been allowed to take the whole leave to which he is entitled, he shall be given the pay or wages payable in respect of leave not taken and such payment shall be made before the expiry of the second working day on which his employment is terminated.

(15) A worker is entitled to accumulate his leave for a period of two years. Accumulation of leave.

(16) Subject to any rules that may be made in this behalf every transport worker shall be entitled to obtain from his employer sick leave with full wages for a period of fifteen days and half wages for any period over fifteen days and upto one month provided a qualified medical practitioner certifies to that effect. Sickness leave and sickness benefit.

(17) If personal injury is caused to a workman arising out of and in the course of his employment, his employer shall be liable to pay him wages for the period or periods during which he has been forced to remain without work. Employers' liability to pay wages during period or periods of injury caused by accident.

Explanation:—For the purposes of this sub-section, the period or periods during which a workman has been forced to remain without work shall be deemed to commence from the date of accident to the date any compensation is awarded, and, in the case of any injury not amounting to partial or total disablement from the date of accident to the date the injured worker has been declared medically fit to rejoin duty.

Provident Fund.

(18) Within such time as may be deemed fit, the Central Government shall, by notification in the official Gazette, direct that the provisions of the Employees' Provident Funds Act, 1952 shall be made applicable to the workers in the motor transport industry.

Gratuity.

(19) Every transport worker shall be entitled to one month's wages as gratuity for every one year of service put in. The gratuity shall be paid to the transport worker at the time of his retirement or to his family in case of his death.

Insurance of transport workers.

(20) The Central Government shall make rules requiring every motor transport employer to insure at his expense all transport employees working under him.

Penalties and procedure.

(21) Whoever contravenes any of the provisions of this Act or any rules made thereunder shall be punishable with imprisonment for a term which may extend to six months or fine which may extend to one thousand rupees or with both.

(22) No court inferior to that of a Presidency Magistrate or a Magistrate of the second class shall try any offence punishable under this Act."

STATEMENT OF OBJECTS AND REASONS

In spite of the fact that road transport occupies a very important place in the economy and life of our country, there is no comprehensive legislation at present regarding the conditions of labour in this industry.

The amendments suggested in the Bill, if incorporated in the Motor Vehicles Act, 1939, will regulate the conditions of motor transport workers who form the majority of road transport labour in India.

S. N. MAZUMDAR.

FINANCIAL MEMORANDUM

The construction and maintenance of rest houses, canteens and reading rooms and the provision of other facilities for the workers of the Transport Vehicles as contemplated in the Bill, namely, medical facilities, recreational facilities, leave with wages, insurance facilities, etc. will involve expenditure from the Consolidated Fund of India so far as the workers of transport vehicles owned by the Governments of certain Part C States are concerned. The expenditure will depend upon the number of such workers. It is, therefore, not possible to indicate any approximate expenditure at this stage.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2

Sub-section (2) of proposed section 65.—Relates to weekly holidays, which can be brought into force only when rules are framed after proper consultation with all the parties concerned so that the workers get the benefit of one day's rest and regular transport services are not affected thereby.

Sub-section (7) of proposed section 65.—There should be well-equipped hospitals with necessary medical staff to look after the employees' health. This is necessary to enable the employees to maintain adequate standard of health in view of the arduous nature of the occupation.

Sub-section (9) of proposed section 65.—As similar facilities exist for workers employed in factories that come under the Factories Act, 1948, it is considered essential to provide for canteens for transport workers as well.

Sub-section (10) of proposed section 65.—Relates to rest houses. When a bus has to halt for the night or long period of hours, there should be rest houses for drivers and conductors. At present in most places no such provisions are made and the transport workers are asked to shift for themselves resulting in ruination of their health due to stay under insanitary conditions. Often the required rest is not obtained.

Apart from the point of view of the workers' own health, the safety of the passengers also requires rest for the motor transport workers, which can be had only if proper rest houses are maintained.

Sub-section (11) of proposed section 65.—Relates to recreation facilities. The period of rest which a motor transport worker gets

during his journey and the halt before his return can be usefully and beneficially spent if such facilities are provided for.

Sub-section (12) of proposed section 65.—Deals with uniforms, foot wear and like amenities. The rules requiring the employers to provide these amenities may be framed after consultation with parties concerned.

Sub-section (16) of proposed section 65.—Rules should be framed providing for producing the medical certificate from a Registered Medical Practitioner.

Sub-section (20) of proposed section 65.—Wants compulsory insurance of motor transport workers. There are greater chances of accidents in motor transport. It is necessary, therefore, that all transport workers are insured. The rules for the same relating to premium, periods of contribution etc. may be framed after full consultation with all parties concerned.

Parties concerned means representatives of the Central Government, State Governments, private employers and Workers' representatives including representatives of All-India Federation and Unions, if any.

These proposals, though of a normal character, are found necessary because only after full consultations with the parties concerned, can they be effectively implemented. The delegation of powers to the Central Government is made because of necessity for uniformity in the rules relating to the above provisions.

Bill No. XII of 1955

A Bill further to amend the Employees' Provident Funds Act, 1952.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Employees' Provident Funds (Amendment) Act, 1956.

Substitution of new section for section 6. 2. For section 6 of the Employees' Provident Funds Act, 1952, the following shall be substituted, namely:—

Contributions and matters which may be provided for in Schemes.

“6. (1) The contribution which shall be paid by the employer to the Fund shall be eight and one-third per cent. of the basic wages and the dearness allowance for the time being payable to each of the employees, and the employee's contribution shall be equal to the contribution payable by the employer in respect of him:

Provided that when the consolidated wages of an employee which shall include the basic wages and the dearness allowance, is not more than one rupee eight annas per day or not more than forty-five rupees per month, no contribution shall be payable by him and the entire contribution which in such cases shall amount to not less than ten per cent of the consolidated wages shall be paid by the employer.

Explanation—For the purpose of this sub-section, dearness allowance shall be deemed to include also the cash value of any food concession allowed to the employee.

(2) Subject to the provisions contained in sub-section (1), any Scheme may provide for all or any of the matters specified in Schedule II."

STATEMENT OF OBJECTS AND REASONS

It has been found that a large number of workers receive as consolidated wages one rupee eight annas or less a day or forty-five rupees or less a month. Any contribution by such workers towards provident fund is beyond their capacity and they therefore require exemption from contribution. Workers receiving daily wages below one rupee do not make any contribution to the Employees' State Insurance Fund, and the same procedure should be followed regarding provident fund contributions in the case of workers receiving not more than one rupee eight annas per day or forty-five rupees per month as consolidated wages. The Bill seeks to achieve this purpose.

N C SEKHAR

NEW DELHI,

The 18th August, 1955.

S N MUKERJEE,

Secretary

